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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/939,185	09/29/97	GOLDSCHMIDT IKI J	042390.P4500

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EXAMINER	
JACKSON, C	
ART UNIT	PAPER NUMBER
2773	#4

DATE MAILED: 09/09/98

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 9/29/97.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-19 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

* U.S. GPO: 1996-409-290:40029

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1 , 3- 4, 6-9, 11-12, 14 and 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Knee et al. (US Patent # 5,589,892).

Knee et al. ('892) teaches, as claimed in **claims 1, 4, 9, 11-12, 14, and 17** of applicant's invention, a system having a processor, a storage memory, a first multimedia identifier that is selectable to deliver entertainment system data stored at a first location relating to an entertainment selection [a microcontroller, a storage memory, a first plurality of icons, such as asterisk/star and" I", that are selectable to deliver added-value services and on demand information from online that are specially related to programming to be displayed, see Knee et al. ('892), col 34, lines 12-35; col. 36, line 62-col. 40, line 41, col. 42, lines 33-50; FIG.s 1 and 58]; and a second multimedia identifier that is selectable to deliver entertainment system data stored at a second location relating to the entertainment selection [a second plurality of icons, such as identifying icons and category icons, that are selectable to deliver electronic program guide

information stored in memory of a client station relating to programming to be displayed, see e.g. Knee et al. ('892), col. 17, line 25-col. 18, line 15; col. 19, lines 12-63; col. 33, lines 23-32; FIG.s 6, and 19]

With respects to **claims 6-8**, the data that is delivered to the viewer, includes entertainment broadcast, menus providing textual information, as well as games and services. See e.g. Knee et al. ('892), col. 46, lines 43-45; FIG.s 5-6A, 11, 18-19, 32-35].

As per **claims 18, and 19**, in one embodiment, the EPG data may be correlated with data from the data feed as follows. The data feed containing updated sports scores received at the cable head-end or other program distributor includes a unique identifying code for each programming event. Updated information (i.e., score and inning or time remaining) in the data feed is preceded by the unique code for that game. In addition, the provider of the information feed assigns the unique codes in advance and provides the code for each upcoming programming event to the EPG provider. The EPG provider then includes a field in the database of program schedule information for the unique code. Thus, for each programming event, the database of program schedule information stored in DRAM includes the unique identifier for each event. See Knee et al. ('892), col. 46, line 56-col. 47, line 17.

As per **claims 3 and 16**, the information that is obtained from service providers and contained in the VBI is provided to a VBI decoder which decodes the data signal. This data is then provided to buffer and microcontroller. See Knee et al. ('892), col. 40, lines 42-58.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee et al. ('892) in view of Hidary et al. (US Patent # 5,778,181)

As per **claims 2, 10, and 15**, Knee et al. ('892) discloses that interactive services or on demand information can be provided in a vertical blanking interval (VBI) and the information is obtained from sources including the Internet. Moreover, as discussed supra, the interactive services and on demand information can be accessed through the use of one of the plurality of first icons. See Knee et al. ('892), col. 40, lines 10-60; col. 45, line 60-col 46, line 8. However, Knee et al. ('892) does not specifically indicate that the information source is a web server.

Hidary et al. ('181), on the other hand, teaches that information provided in a VBI can be URL's that direct the user to Web sites where the information is located. See Hidary et al. ('181), col. 3, line 40-col. 4, line. 58. Accordingly, one having ordinary skill in the art would recognize that information provided in a VBI and obtained from an Internet source does include a web site. As a result, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide for access to information stored at a web server in the apparatus of Knee et al. ('892) because it allows service providers with flexibility in providing a wide variety of information that can be easily updated and distributed.

6. Claims 5, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee et al. ('892) in view of Clanton, III et al. (US Patent # 5,745,710).

With respects to **claims 5, and 13**, Knee et al. ('892), teaches the use of icons which when selected become highlighted. See e.g. Knee et al. ('892), col. 18, lines 8-17. However, Knee et al. ('892) does not teach the use of animation when an icon is selected. In contrast, Clanton, III et al. ('710) teaches an entertainment selection system that provides for animation of objects when selected by a user. See Clanton, III et al. ('710), abstract. One having ordinary skill in the art would recognize that both highlighting and animation are forms of feedback used to give the user feedback and increase there sense of context. Accordingly, it would have been obvious to one having ordinary skill in the art to animate the icons in the system of Knee et al. ('892) because it would provide the user with feedback regarding a selection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Siefert (US Patent # 5,564,043) teaches a system for accessing information located at a plurality of locations by including a profile that is associated with each resource/file.

Spasato et al. (US Patent # 5,682,511) teaches an interactive network system.

Williams (US Patent # 5,689,663) teaches an interface for obtaining additional information about a movie.

8. Response to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications. Please label "PROPOSED" OR "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE' on the document. Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chadwick A. Jackson, whose telephone number is (703) 308-9572. The examiner can normally be reached Mon-Thu from 7:30 a.m. - 6:00 p.m. ET. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim, can be reached at (703) 305-3821

10. Communication via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**matt.kim@uspto.gov**]. All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark Office on February 25, 1997 at 1195 OG 89.

11. Any inquiry of a general nature or relating to the status of this application or proceedings should be directed to the group receptionist whose telephone number is (703) 305-3900.

Chadwick A. Jackson

September 2, 1998

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2773